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Executive Order No. 17-99

**EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN THE TOWN OF OUTLOOK**

WHEREAS, extremely dry conditions and high winds have combined to create hazardous fire conditions throughout eastern Montana; and

WHEREAS, on October 31, 1999, wildland fires occurred in many central and eastern Montana counties, causing the evacuation of several communities and damage to private and public property; and

WHEREAS, a wildland fire overran the Town of Outlook causing the destruction of several businesses and residences, severe smoke damage to the school and town hall, damage to the town park and debris removal problems; and

WHEREAS, although the Town of Outlook has committed all available resources and taken all possible actions to respond, mitigate and alleviate the situation, local resources are not sufficient to respond to the conditions; and

WHEREAS, the Town of Outlook declared a disaster and has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two mill levy on

PLATE 1007

1 the town's taxable valuation, pursuant to section 10-3-405, MCA,
2 to respond in the aftermath of the severe weather, and

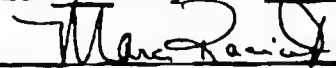
3 WHEREAS, red flag warnings continue to be issued by the
4 National Weather Service reflecting continued threats of
5 wildland fires for areas east of the Continental Divide; and

6 WHEREAS, these conditions authorize the Governor to
7 mobilize state resources and the Montana National Guard to
8 protect life, health and property and authorize the Governor
9 under section 10-3-311, MCA, to expend funds from the general
10 fund to meet contingencies and needs arising from the emergency.

11 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
12 Montana, pursuant to the authority vested in me as Governor
13 under the Constitution of the State of Montana, Title 10,
14 Chapter 3, MCA, and under other applicable statutes, do hereby
15 declare a disaster to exist in the Town of Outlook.

16 This order is effective immediately.
17

18
19 GIVEN under my hand and the GREAT
20 SEAL of the State of Montana,
21 this 5th day of November, 1999.

22 
23 _____
24 MARC RACICOT, Governor

25 ATTEST:

26 
27 _____
28 MIKE COONEY, Secretary of State by  - Deputy

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HELENA, MT



Executive Order No. 16-99

EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO. 4-98


WHEREAS, the Peace Officers Standards & Training Advisory Council, the existence of which is continued by Executive Order No. 4-98, consists of fifteen members; and

WHEREAS, Administrative Rule 23.14.401(3) added two representatives to that Council.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, do hereby increase the size of the Council by amending the provisions of Executive Order No. 4-98, striking in Section II. COMPOSITION the word "fifteen" and inserting "seventeen".

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 18th day of October, 1999.



MARC RACICOT, Governor

ATTEST:



MIKE COONEY, Secretary of State

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Executive Order No. 15-99

**EXECUTIVE ORDER CREATING THE
GOVERNOR'S COUNCIL ON TOBACCO USE PREVENTION**

WHEREAS, tobacco use is the leading cause of preventable death in Montana and accounts for approximately 1,500 deaths annually, nearly 20 percent of all deaths; and

WHEREAS, tobacco use has been identified as a cause of lung cancer, emphysema, oral cancer, asthma, cardiovascular disease and other diseases; and

WHEREAS, disease related to tobacco use places an unacceptable financial burden on Montana residents and Montana state government; and

WHEREAS, a statewide tobacco use prevention program can be effective in reducing tobacco consumption in Montana and in improving the health of Montanans; and

WHEREAS, the Department of Public Health and Human Services has received funding from the Centers for Disease Control and Prevention (CDC) and from the national settlement with the tobacco industry to establish a comprehensive tobacco use prevention program; and

WHEREAS, the establishment of an effective, sustained,

1 comprehensive tobacco use prevention program requires the
2 cooperation and advice of state and local policy makers, the
3 health care and public health communities, businesses,
4 educators, and private citizens.

5 NOW, THEREFORE, I MARC RACICOT, Governor of the State of
6 Montana, by virtue of the authority vested in me by Section 2-
7 15-122, MCA, do hereby create the Governor's Council on Tobacco
8 Use Prevention.

9 I. PURPOSE

10 The purpose of the Council is to provide advice to the
11 Department of Public Health and Human Services in the
12 implementation of a comprehensive tobacco use prevention
13 program, in the expenditure of funds from the CDC tobacco
14 prevention grant and from the tobacco settlement funding
15 allocated to the Department, and in assuring ongoing
16 coordination with other prevention programs.

17 II. COMPOSITION

18 The Council shall be composed of the Director of the
19 Department of Public Health and Human Services or the director's
20 designee and not more than twenty five additional members, who
21 shall serve at the pleasure of the Governor and who shall
22 represent the interests of the following groups: the Montana
23 House of Representatives, the Montana Senate, the American Lung
24 Association of the Northern Rockies, the Idaho/Montana Region of
25 the American Heart Association, the Western Pacific Division of
26 the American Cancer Society, the Montana Medical Association,

1 the Montana Dental Association, county health officers, local
2 tobacco coalitions, Montana Campaign for Tobacco Free Kids,
3 Montana School Boards Association, MHA...An Association of
4 Health Care Providers, Montana's youth, Montana Public Health
5 Association, Montana Nurses Association, Tobacco Free Montana
6 Coalition, Montana law enforcement, Montana Association of
7 Counties, private business, senior citizens, Montana's American
8 Indians and the Indian Health Service.

9 The Council is attached to the Health Policy and Services
10 Division of the Department of Public Health and Human Services
11 for administrative purposes. The names of the members shall be
12 submitted by separate appointment letters to the Secretary of
13 State.

14 III. COMPENSATION

15 Compensation to Council members shall be as provided by
16 Section 2-15-122(S), MCA.

17 IV. DURATION

18 The Council shall exist for a period of two years from the
19 effective date of this order. This order is effective
20 immediately.

21 GIVEN under my hand and the GREAT
22 SEAL of the State of Montana,
this 22 day of September, 1999.

23 Marc Racicot
24 MARC RACICOT, Governor

25 ATTEST:

26 Mike Cooney
27 MIKE COONEY, Secretary of State
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Executive Order No. 14-99


EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO. 8-98

WHEREAS, the Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council, the existence of which is created by Executive Order No. 8-98, consists of state government and non-state government members; and

WHEREAS, it has been determined that the state government members should not be voting members.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby amend the provisions of Executive Order No. 8-98 by adding the phrase "who shall be nonvoting members" on page 4, line 12 after the word "members". This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 14th day of September, 1999.



MARC RACICOT, Governor

ATTEST:-



MIKE COONEY, Secretary of State



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Executive Order No. 12-99

**EXECUTIVE ORDER ESTABLISHING THE MOTOR FUEL TAX
COLLECTION, ENFORCEMENT AND REFUND ADVISORY COUNCIL**

WHEREAS, the Montana Department of Transportation (MDT) is statutorily charged with the collection, refund and administration of the motor fuel tax program in the State of Montana; and

WHEREAS, fuel tax evasion potentially costs the state substantial sums of revenue for highway funding purposes including construction, maintenance and safety of the public; and

WHEREAS, the Montana Constitution provides for, and state statute establishes, a process for refunding fuel taxes collected for off-road uses in which entitlement is often confusing and potentially unfair to taxpayers as well as to the MDT; and

WHEREAS, state law permits MDT to belong to interstate and international associations charged with ensuring that statutory and regulatory enforcement of fuel tax programs are carried out, since they are vital to the establishment and maintenance of a safe and efficient highway system; and

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1 WHEREAS, MDT is responsible for the motor fuel tax program
2 and is desirous of determining the best and most efficient way
3 to review, analyze, coordinate and harmonize the processes for
4 collection, enforcement and refunding of motor fuel taxes.

5 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
6 Montana, in accordance with section 2-15-122, MCA, do hereby
7 establish the Motor Fuel Tax Collection, Enforcement and Refund
8 Advisory Council.

9 I. PURPOSE

10 The purpose of the Council is to study the state's motor
11 fuel tax laws and regulations and to make recommended changes as
12 necessary to ensure fair, impartial compliance with statutory
13 and constitutional mandates.

14 II. DUTIES.

15 The Council shall:

16 1. review current fuel tax collection procedures
17 including the audit process, point of taxation and dispute
18 resolution;

19 2. review the role of MDT and the power and
20 responsibility of the Motor Carrier Services Division to assist
21 in the enforcement of motor fuel tax laws;

22 3. review the methodology and procedure for determining
23 who is entitled to a tax refund for off-road use and how to most
24 efficiently make the refund process work;

25 4. invite public input into the deliberations of the
26 Council to ensure maximum participation of all interested groups
27
28

1 and individuals; and

2 5. . make recommendations to the Governor as to whether
3 statutory or administrative changes are warranted to modify the
4 existing framework of operation regarding the motor fuel tax
5 program.

6 III. COMPOSITION

7 The Council shall be composed of no more than 14 members
8 who shall serve at the pleasure of the Governor. The membership
9 shall include representatives of all affected interest groups
10 including but not limited to state government, Montana
11 contractors, Montana agriculture, fuel distributors and
12 legislators. The Council will elect a member to serve as
13 chairperson. The names and addresses of the members of the
14 Council will be submitted by separate letter to the Secretary of
15 State.

16 IV. ADMINISTERING AGENCY

17 The Council shall be attached to the Montana Department of
18 Transportation for administrative purposes. The Department
19 shall assist the Council by providing staff and other resources
20 and information as warranted or requested. The Director of the
21 Department or his designee shall be the liaison between the
22 Governor and the Council.

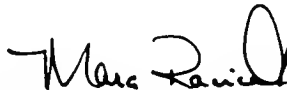
23 V. COMPENSATION

24 Members of the council will be compensated as provided in
25 section 2-15-122, MCA. The Department of Transportation is
26 responsible for the statutory expenses of Council members.
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1 VI. DURATION

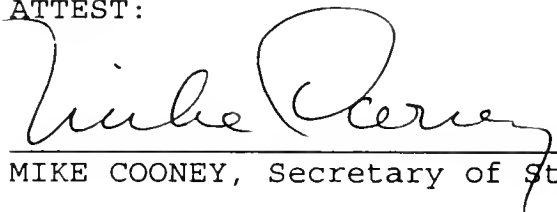
2 The Council shall exist from the date of this order until
3 December 31, 2000, unless extended or terminated as provided by
4 law.

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9 GIVEN under my hand and the GREAT
10 SEAL of the State of Montana,
11 this 26th day of AUGUST, 1999.

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14 _____
15 . MARC RACICOT, Governor

16 ATTEST:

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19 MIKE COONEY, Secretary of State
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Executive Order No. 11-99

**EXECUTIVE ORDER PROCLAIMING A DISASTER TO EXIST
IN FERGUS COUNTY AND THE CITY OF LEWISTOWN**

WHEREAS, on August 14, 1999, severe thunderstorms and
tornado activity swept through Fergus County and the City of
Lewistown; and

WHEREAS, tornado activity created a substantial amount of
debris from damaged buildings, broken and uprooted trees, power
and communication outages, and disrupted gas lines, creating a
significant public health and safety hazard; and

WHEREAS, although local jurisdictions are committing all
available resources and taking all possible actions to respond,
mitigate, and alleviate the situation, local resources may not
be able to respond to the conditions; and

WHEREAS, these conditions authorize the Governor to
mobilize state resources, including the Montana National Guard,
to protect life, health and property and authorize the Governor
under section 10-3-311, MCA, to expend funds from the general
fund to meet contingencies arising from the disaster; and

WHEREAS, a proclamation of a disaster authorizes the
Governor, under section 10-3-104 (2) (a), MCA, to suspend

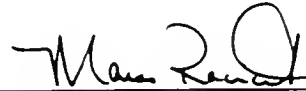
PLEASE RETURN

1 section 2-18-501, MCA, to allow reasonable expenditures for food
2 and lodging for activated National Guard and state agency
3 personnel responding to an emergency.

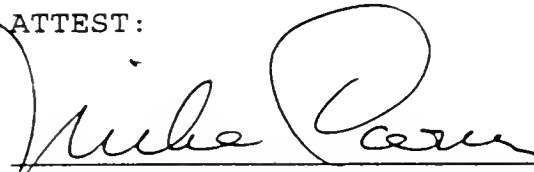
4 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
5 Montana, pursuant to the authority vested in me as Governor
6 under the Constitution of the State of Montana, Title 10,
7 chapter 3, MCA, and under other applicable statutes, do hereby
8 declare that a disaster exists in Fergus County and the City of
9 Lewistown.

10 This order is effective August 14, 1999.

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15 GIVEN under my hand and the GREAT
16 SEAL of the State of Montana,
17 this 16th day of August, 1999.

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19 _____
20 MARC RACICOT, Governor

21 ATTEST:

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23 _____
24 MIKE COONEY, Secretary of State
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Executive Order No. 10-99

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN THE EASTERN MONTANA FIRE ZONE INCLUDING THE COUNTIES OF BIG HORN, BLAINE, CARBON, CARTER, CHOUTEAU, CUSTER, DANIELS, DAWSON, FALLON, FERGUS, GARFIELD, GOLDEN VALLEY, HILL, JUDITH BASIN, LIBERTY, MCCONE, MUSSELSHELL, PETROLEUM, PHILLIPS, POWDER RIVER, PRAIRIE, RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, STILLWATER, SWEET GRASS, TREASURE, VALLEY, WHEATLAND, WIBAUX, AND YELLOWSTONE

WHEREAS, extremely dry conditions and high winds have combined to create hazardous fire conditions throughout the Eastern Montana Fire Zone of the State; and

WHEREAS, wildland fires are currently burning and have created an imminent threat of a disaster which timely action can avert or minimize; and

WHEREAS, these conditions authorize the Governor to mobilize state resources and the Montana National Guard to protect life, health and property and authorize the Governor under sections 10-3-311 and 10-3-312(b), MCA, to expend funds from the general fund to meet contingencies arising from the emergency; and

WHEREAS, a proclamation of an emergency authorizes the Governor, under section 10-3-104(2)(a), MCA, to suspend section

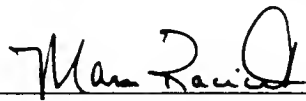
PLEASE RETURN

1 2-18-501, MCA, to allow reasonable expenditures for food and
2 lodging for activated National Guard and state agency personnel
3 responding to an emergency.

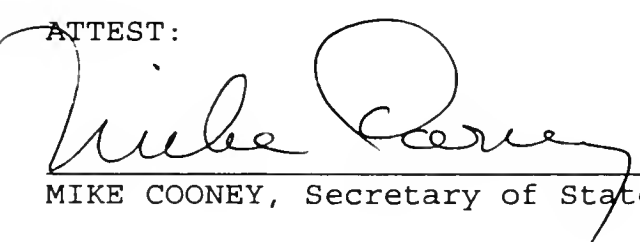
4 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
5 Montana, pursuant to the authority vested in me as Governor
6 under the Constitution of the State of Montana and Title 10,
7 Chapter 3, MCA, and under other applicable statutes, do hereby
8 declare that a state of emergency exists in the Eastern Fire
9 Zone of the State of Montana.

10 This Order is effective July 24, 1999.

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15 GIVEN under my hand and the GREAT
16 SEAL of the State of Montana,
17 this 26th day of July, 1999.

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19 _____
20 MARC RACICOT, Governor

21 ATTEST:

22 
23 _____
24 MIKE COONEY, Secretary of State

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NO. 7-99

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Executive Order No. 7-99

**EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN THE TOWN OF OPHEIM IN VALLEY COUNTY**

WHEREAS, on June 21, 1999, a severe thunderstorm and tornado swept through the Town of Opheim in Valley County; and

WHEREAS, the tornado caused considerable damage to private and public property; and

WHEREAS, the tornado created a substantial amount of debris from damaged buildings, broken and uprooted trees, as well as power outages resulting from downed power lines, creating a significant public health and safety hazard; and

WHEREAS, the Town of Opheim has committed all available resources and taken all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to respond to the conditions; and

WHEREAS, the Town of Opheim declared a disaster and has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two (2) mill levy on the town's taxable valuation, pursuant to section 10-3-405, MCA, to respond in the aftermath of the severe weather; and

WHEREAS, a proclamation of a disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare a disaster to exist in the Town of Opheim.

This Order is effective June 21, 1999.

GIVEN under my hand and the GREAT
SEAL of the State of Montana,
this 23rd day of June, 1999.

Max Ravid

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 6-99

**EXECUTIVE ORDER ESTABLISHING
THE MONTANA Y2K READINESS COUNCIL**

WHEREAS, the new millennium will begin soon, bringing new challenges and opportunities; and

WHEREAS, the long established practice of designing computer systems using only the last two digits to represent the year in computer date fields could result in the improper functioning of computer systems. These computer malfunctions could result in disruptions in the delivery of goods and services our citizens have come to depend upon. This issue is commonly referred to as the Year 2000 problem ("Y2K"); and

WHEREAS, organizations both public and private have been working diligently to resolve the Y2K problem; and

WHEREAS, public and private cooperation and information sharing are essential to the eventual success in preventing disruptions to the populace; and

WHEREAS, an informed citizenry is necessary to prevent counterproductive or inappropriate actions by some.

NOW THEREFORE, I, MARC RACICOT, Governor of the State of

1 Montana, by virtue of the authority vested in me under the
2 Constitution and laws of the State of Montana, do hereby create
3 the Montana Y2K Readiness Council ("the Council").
4

5 1. PURPOSE

6 The Council shall:

- 7 1) promote public understanding of the Y2K issue;
8 2) encourage cooperation and facilitate information
9 sharing;
10 3) gather detailed, relevant information from key sectors
11 of the economy; and
12 4) advise the Governor on Y2K related issues.
13

14 II. COMPOSITION

15 The Council shall consist of representatives of the public
16 and private sectors who are keenly involved in the Y2K issue.
17 The Council shall be appointed by the Governor, and the
18 membership shall not exceed 20 members. The names and addresses
19 of the members of the Council, who shall serve at the pleasure
20 of the Governor, will be submitted by separate letter to the
21 Secretary of State. The Council shall be chaired by the
22 Lieutenant Governor.
23

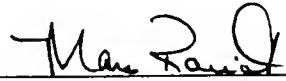
24 III. ADMINISTERING AGENCY

25 The Council shall be attached to the Department of
26 Administration for administrative purposes.
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1 IV. DURATION

2 The Council shall remain in existence until June 30, 2000,
3 unless extended by subsequent executive order. This Order shall
4 be effective immediately.
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9 GIVEN under my hand and the GREAT
10 SEAL of the State of Montana,
11 this 23rd day of June, 1999.

12 
13 _____
14 MARC RACICOT, Governor

15 ATTEST:

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18 MIKE COONEY, Secretary of State
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Executive Order No. 3-99

**EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN DANIELS COUNTY**

WHEREAS, a heavy snowpack coupled with unseasonably warm temperatures in late March and early April produced flooding and caused severe widespread damage to county roads, bridges and culverts in Daniels County; and

WHEREAS, Daniels County has committed all available resources, taken all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to meet the conditions; and

WHEREAS, the Daniels County Board of Commissioners has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two (2) mill levy on the taxable valuation of the county outside the incorporated municipalities pursuant to Section 10-3-405, MCA, and has requested supplemental state disaster assistance; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs


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1 arising from these conditions.


2 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
3 Montana, pursuant to the authority vested in me as Governor
4 under the Constitution of the State of Montana and Title 10,
5 Chapter 3, MCA, and under other applicable statutes, do hereby
6 declare a disaster to exist in Daniels County.

7 This Order is effective immediately.
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13 GIVEN under my hand and the GREAT
14 SEAL of the State of Montana,
this 27th day of April, 1999.

15 
16 _____
17 MARC RACICOT, Governor

18 ATTEST:
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22 MIKE COONEY, Secretary of State
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Executive Order No. 1-99

**EXECUTIVE ORDER CONTINUING THE
MISSOURI RIVER BASIN ADVISORY COUNCIL**

WHEREAS, the Missouri River Basin Association is an association of states and tribes in the Missouri River Basin concerned with monitoring and resolving issues pertaining to the management of the Missouri River system; and

WHEREAS, the Department of Natural Resources and Conservation is charged with the responsibility of representing the State of Montana in the Missouri River Basin Association; and

WHEREAS, management of the Missouri River system should reflect public concerns and input; and

WHEREAS, the Missouri River Basin Association has arranged to sponsor meetings with other Basin states which seek to achieve resolution of conflicting uses of the river system by including the participation of private citizens and representatives of system users.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the

1 Constitution and laws of the State of Montana, do hereby
2 continue the Missouri River Basin Advisory Council (the
3 Council).

4
5 I. PURPOSE

6 The Council shall participate in meetings sponsored by the
7 Missouri River Basin Association for the purpose of seeking
8 resolution of conflicts among competing uses within the Missouri
9 River System, and provide advice on the development of the
10 State's position regarding management of the Missouri River
11 system.

12
13 II. COMPOSITION

14 The Council shall consist of at least ten members. The
15 Chairman of the Council shall be the Director of the Department
16 of Natural Resources and Conservation. The names and addresses
17 of members who shall serve at the pleasure of the Governor shall
18 be submitted by separate letter to the Department of Natural
19 Resources and Conservation and the Secretary of State.

20
21 III. COMPENSATION

22 Council member's expenses eligible for compensation shall
23 be compensated by the Department of Natural Resources and
24 Conservation at the prevailing state rate for each day actually
25 and necessarily engaged in the performance of Council duties.


1 IV. DURATION

2 This Council shall exist for a period of two years from the
3 effective date of this Order unless extended by subsequent
4 Executive Order. This Order is effective immediately.
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9 GIVEN under my hand and the GREAT
10 SEAL of the State of Montana,
11 this 24th day of February, 1999.

12 
13 _____
14 MARC RACICOT, Governor

15 ATTEST:

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18 MIKE COONEY, Secretary of State
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